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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
PC8626BJTJ

IN RE DIVISIONAL APPLICATION OF:

William J. Curatolo, et al.

SERIAL NO.: 09/577,059

FILED: May 22, 2000

FOR: Controlled-Release Dosage
Forms of Azithromycin

Assistant Commissioner for Patents
Washington, D.C. 20231

EXAMINER: R. Dewitty
I hereby certify that this correspondence
is being deposited with the United States
Postal Service as First Class Mail in an
envelope addressed to: Assistant Commissioner
for Patents, Washington, D.C. 20231 on

ART UNIT 1616
this 3rd day of December 2001

By 

Request For Reconsideration Under 37 CFR 1.111

Sir:

This is in response to the Office Action of June 4, 2001 in the above-identified application, the term for response having been extended three (3) months by enclosing the appropriate fee and petition herewith.

In response to the Office Action, please consider the following comments and traversal of the rejection.

REMARKS

As a preliminary matter, Applicants hereby affirm, without traverse, the provisional election made on 4/1/01 in a telephone conversation with Examiner DeWitty -- hydroxypropyl methylcellulose, a tablet, a cylinder, and a coated tablet, and concur with the claims currently withdrawn from consideration as not being generic -- claims 77-79, 87-92, 130-132, and 140-145. Applicants also agree that remaining claims 72-76, 80-86, 93-129, 133-139, and 146-148 are generic to the elected species. From the context and apparent intent of the Office Action, and despite the use of the phrase "non-elected invention" (last line of paragraph 1 on page 3) which is generally associated with a restriction requirement, Applicants are assuming that the election requirement made by the Examiner is solely an election of species, and that no requirement to separately elect between separate inventions (as opposed to between separate species) was made.